

**STATE OF TENNESSEE****DON SUNDQUIST**
GOVERNOR

June 30, 2000

Mr. John H. Hankinson, Jr.
Regional Administrator
US EPA Region IV
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

Re: Clean Air Act - Eight-Hour Ozone NAAQS Designations

Dear Mr. Hankinson:

I am writing regarding the Environmental Protection Agency's position under Section 107(d)(1)(A) of the Clean Air Act requiring designation of areas for the eight-hour ozone National Ambient Air Quality Standard established in 1997. This new ozone standard has been challenged by various parties in the federal courts. The United States Court of Appeals for the District of Columbia Circuit has rendered an opinion in *American Trucking Association, Inc. v. E.P.A.*, 175 F. 3d 1027, on rehearing 195 F. 3d 4 (D.C. Cir. 1999) that does not allow your agency to enforce the new standard. Because of the litigation under way at this time, the submission of this letter does not waive any legal challenges or objections that the State of Tennessee may subsequently make in regard to the validity of this standard and the process by which the EPA is seeking its implementation.

Subject to the above, I am submitting a list of all counties in Tennessee, designating each of these counties as attainment/unclassifiable or nonattainment for the eight-hour ozone National Ambient Air Quality Standard. I am designating as attainment/unclassifiable all counties of the state where there is no monitoring data documenting a violation of the ozone standard for the years 1997 through 1999. I am designating as nonattainment all counties of the state with a documented violation of the standard for this same monitoring period.

It is premature to specify accurately the counties that may contribute to ozone nonattainment monitored in the state. EPA is presently unable to approve a modeling plan for demonstrating attainment with the eight-hour ozone standard. This inability is evidenced by EPA's refusal to approve the proposed ATMOS modeling. It is prudent to

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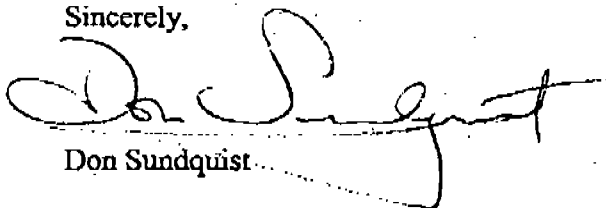
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await the results of approved attainment demonstration modeling. This modeling is needed to determine which additional counties, if any, contribute to the nonattainment problems of the state. Simply assuming that all counties of an MSA contribute to a monitored violation of the ozone standard in any one county of the MSA is not scientifically sound judgment. Tennessee's Air Pollution Control Director, Barry Stephens, will be in contact with your technical staff to provide additional information which will support my designations of attainment and nonattainment in the state of Tennessee.

I want to emphasize that Tennessee will protect the public from the adverse effects of air pollution and comply with federal law. Tennessee pledges to continue its work with the ATMOS project to develop the sound science to determine the emission reductions needed to attain and maintain the federal ozone standard, and then to implement the measures necessary to achieve those reductions.

If there are any questions about this matter, please feel free to contact Mr. Stephens.

Sincerely,



Don Sundquist

enclosures

cc: Linda Anderson-Carnahan – EPA Region IV
Tennessee Air Pollution Control Board Members
Tennessee Department of Environment & Conservation
Tennessee Department of Economic & Community Development
Tennessee Department of Transportation
Southern Governors' Association
County Executives of Proposed Nonattainment Counties
Tennessee Local Air Pollution Control Programs

Eight-Hour Ozone NAAQS

Attainment/Unclassifiable and Nonattainment Areas

State of Tennessee

June 30, 2000

Designated area	Designation
Chattanooga Area:	
Hamilton County	Nonattainment
Haywood County Area:	
Haywood County	Nonattainment
Knoxville Area:	
Anderson County	Nonattainment
Blount County	Nonattainment
Jefferson County	Nonattainment
Knox County	Nonattainment
Sevier County	Nonattainment
Lawrence County Area:	
Lawrence County	Nonattainment
Memphis Area:	
Shelby County	Nonattainment
Nashville Area:	
Davidson County	Nonattainment
Rutherford County	Nonattainment
Sumner County	Nonattainment
Williamson County	Nonattainment
Wilson County	Nonattainment
Putnam County Area:	
Putnam County	Nonattainment
Tri-Cities Area:	
Sullivan County	Nonattainment
Rest of State	Unclassifiable/Attainment